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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSEPH ROBERTS, individually,

Plaintiff,

vs.

KEOLIS TRANSIT SERVICES, LLC d/b/a KEOLIS
TRANSPORTATION d/b/a REGIONAL
TRANSPORTATION COMMISSION OF
SOUTHERN NEVADA d/b/a RTC; JOHN DOE;
and Does 1 to 100, Roe Corporations 1 to 100,
inclusive,

Defendants.

Case No.: 2:19-cv-943

**Keolis Transit Services, LLC's
Removal Petition**

Keolis Transit Services, LLC petitions to remove this case to the United States District Court for the District of Nevada from the Eighth Judicial District Court for the State of Nevada. This petition for removal is signed per Rule 11.

Removal is appropriate per 28 U.S.C. § 1441 because diversity jurisdiction is present per 28 U.S.C. 1332. Plaintiff alleges he is presently a Massachusetts resident.¹ Keolis Transit Services, LLC is a wholly owned subsidiary of Keolis Transit America, Inc., a Delaware corporation with its principal place of business in California. Plaintiff alleges injury from a motor vehicle collision that occurred on February 3, 2017.² He filed the complaint on January 30, 2019.³

¹ ECF No. 1-2 at ¶ 1.

² *Id.* at ¶ 10.

³ ECF No. 1-2.

1 Keolis Transit Services, LLC answered on May 3, 2019 and another defendant was voluntarily
2 dismissed on May 9, 2019. On May 24, 2019 Plaintiff filed a motion in state court claiming
3 \$44,820.50 in past medical damages. He expressly stated his damages are actually greater. “Mr.
4 Roberts’ related damages also include past and future pain and suffering, and other damages
5 requiring expert knowledge.”⁴

6 In prior cases in this district, the types of injuries and damages allegations Plaintiff asserts
7 have indicated an amount in controversy exceeding \$75,000. In *Doelamo v. Karl-Heinz* the
8 defendant argued more than \$75,000 was in dispute because plaintiff alleged “approximately
9 \$22,000 in past medical damages, and he argues that it is more likely than not that if Plaintiff is
10 successful on his claims for lost wages, future medical damages for his ‘permanent’ condition(s),
11 past and future pain and suffering, and attorney’s fees, he will recover more than \$75,000 total in
12 the case.”⁵ This was sufficient to create subject matter jurisdiction.

13 In the Court’s experience, a personal injury claim including \$22,000 in past medical
14 bills will normally include a plea to a jury for several times this amount in future
15 medical bills, particularly where one alleges a permanent condition related to the
16 injury. The Court can conclude this without even considering pain and suffering, lost
17 wages, or attorney’s fees. Considering those measures of damages and fees, as well, it
is nearly certain that Plaintiff in reality seeks more than \$75,000. The Court has little
doubt that Plaintiff will ask the jury to award him more than \$75,000, whether in this
Court or in state court.

18 In *Canonico v. Seals* the plaintiff conceded at least \$50,000 was in dispute due to past and
19 future medical treatment and property damage.⁶ “The remaining question is whether more than
20 \$25,000 is at stake in the form of pain and suffering, loss of earning capacity, loss of enjoyment of
21 life, compensatory damages, attorney’s fees, and costs. It almost certainly is.”

22 In *Perreault v. Wal-Mart Stores, Inc.* the complaint sought an amount in excess of
23 \$10,000.00, as well as special damages, reasonable attorney’s fees, costs, and other appropriate
24 relief.⁷ The plaintiff provided an itemized list of her then-current medical costs, totaling
25 \$38,769.60 and noted that her medical bills were continuing to “trickle in.” The amount in
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27 ⁴ ECF 001-7 at 2:24-26.

28 ⁵ No. 2:14-cv-339, 2014 U.S. Dist. LEXIS 72664 (D. Nev. May 27, 2014).

⁶ No. 2:13-cv-316, 2013 U.S. Dist. LEXIS 60047 (D. Nev. Apr. 25, 2013).

⁷ No. 2:16-cv-809, 2016 U.S. Dist. LEXIS 115591 (D. Nev. Aug. 29, 2016).

controversy threshold was satisfied as “it appears likely that plaintiff’s total requested damages exceed \$75,000.00.”

Applied here, the parties are diverse, the amount in controversy is met, and the removal petition was filed within 30 days of learning of a basis for federal jurisdiction.

DATED this 4th day of March, 2019.



/s/ Michael Lowry

BY:

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Certificate of Service

Pursuant to NRCP 5, I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on June 3rd, 2019, I served **Keolis Transit Services, LLC’s Removal**

Petition as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☒ via electronic means by operation of the Court’s electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;

Paul G. Albright NAQVI INJURY LAW 9500 W. Flamingo Road, Suite 104 Las Vegas, NV 89147 Tel: (702) 553-1000 Fax: (702) 553-1002 Attorneys for Joseph Roberts	
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BY: /s/ Michael Lowry
An Employee of

